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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/014,238

Filing Date: December 11, 2001

Appellant(s): VAN KOLLENBURG, ROBERTUS ANTONIUS JOHANNES

James D. Leimbach
For Appellant

EXAMINER'S ANSWER

MAILED

AUG 06 2007

Technology Center 2600

This is in response to the appeal brief filed 02/09/2006 appealing from the Office action mailed 06/03/2005 and 10/05/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,418,764

Roth et al.

05-1995

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Roth et al. U.S. Patent No. 5,418,764.

Regarding claim 1, Roth et al. discloses a record carrier of the disc-like optically inscribable type, having a preformed track in which an auxiliary signal comprising a sequence of codes is recorded by means of a preformed track modulation (See Abstract; Figs. 1-7), which codes comprise a sequence of address codes (AC) specifying the addresses of the track portions in which said address codes (AC) are recorded (See Abstract; col. 4, line 65 to col. 5, line 31; Figs. 6,7) and

special codes (SC/HC) which can be distinguished from said address codes (AC) specifying control data for controlling a recording by a recording device (See Abstract; col. 4, line 65 to col. 5, line 31; Figs. 6,7) and

which sequence can be obtained by replacing in a sequence of address codes (AC) with consecutive address values a plurality of said address by special codes (SC) (See Figs. 7; Abstract; col. 4, line 65 to col. 5, line 31; col. 6, line 1 to col. 7, line 56),

characterized in that, the said sequence comprises a periodic pattern of address codes and special codes which pattern has a predetermined positional relationship with respect to a predetermined reference address (See Figs. 6, 7; col. 4, line 65 to col. 5, line 31; col. 6, line 1 to col. 7, line 56).

Regarding claim 2, Roth et al. discloses provided with a lead-in area located at an inner area of the disc comprising said special codes, characterized in that, the predetermined reference address is the start address or end address of the lead-in area (See col. 6, line 1 to col. 7, line 56; i.e. special code for "AVI"/lead-in area; Fig. 6,7).

Regarding claim 4, Roth et al. discloses the periodic pattern comprising a first number of distinct special codes separated by a first number of successive address codes, characterized in that, the first number of distinct special codes have a predetermined order (See col. 6, line 1 to col. 7, line 56; Figs. 6,7).

Regarding claim 3, Roth et al. discloses the periodic pattern comprising special codes separated by a first number of successive address codes (See col. 6, line 1 to col. 7, line 56; l Figs. 6,7), characterized in that, the periodic pattern is shifted a predetermined number of address codes with respect to the predetermined reference address (AC) (See col. 6, line 1 to col. 7, line 62").

Regarding claim 5, Roth et al. discloses provided with a lead-out area located at an outer area of the disc, characterized, in that the lead-out area comprises additional control information for controlling recording by a recording device, the presence thereof being indicated by the predetermined positional relationship (See Figs. 4,5,6; col. 5, lines 41-67; col. 6, line 1-63).

Regarding claim 6, Roth et al. discloses a device for recording and/or playback a record carrier of the inscribable type (See Fig. 8,9; col. 7, line 63 to col. 10, line 20), the device comprising

reading means for reading the information recorded on the record carrier and recording means for recording the record carrier in accordance with an recording process, the reading means comprising means to read the auxiliary signal recorded on a record carrier, selecting means for selectively selecting extracting the special codes and the address codes from the auxiliary signal (See Fig. 8-ref#82,86,88-97, col. 7, line 63 to col. 10, line 15),

control means for controlling the recording process, characterized in that, the control means are adapted to determine the predetermined positional relationship of the periodic pattern

of address codes and special codes and to control the recording process in accordance with said determination (See Figs. 9,8-ref# 94, col. 7, line 63 to col. 10, line 20).

Regarding claim 7, Roth et al. discloses characterized in that, the control means are adapted to read a special area on the record carrier upon detecting a predetermined positional relationship (See col. 10, lines 16-31; Fig. 9).

Regarding claim 8, Roth et al. discloses adapted to cooperate with a record carrier provided with a lead-in zone at an inner part of the record carrier and a lead-out zone at an outer part of the record carrier (See col. 10, lines 16-31; Fig. 9),

characterized in that, the control means are adapted to initially read the special information in the lead-in zone and (See col. 10, lines 32-45; Fig. 9), only upon detection of a predetermined positional relationship, subsequently read the lead-out zone (See col. 11, lines 8-19, the lead-out area is reached upon detection of "AVO special code").

Regarding claim 9, Roth et al. discloses wherein the predetermined positional relationship is defined by a shifting of the special codes (See col. 5, lines 5-16; See col. 6, line 1 to col. 7, line 56; Figs. 4-7, special codes (HC) shifted with respect to the address codes).

Regarding claim 10, Roth et al. discloses wherein the predetermined positional relationship is defined by a shifting of the special codes with respect to a lead-in area or lead-out

area of the disc (See Figs. 4-7, specials code (HC) shifted with respect to the address codes which defines AVI lead-in(AC)).

Regarding claim 11, Roth et al. discloses a record carrier of the disc-like optically inscribable type, having a preformed track in which an auxiliary signal comprising a sequence of codes is recorded by means of a preformed track modulation (See Abstract; Figs. 1-7),

which codes comprise a sequence of address codes (AC) specifying the addresses of the track portions in which said address codes (AC) are recorded (See Abstract; col. 4, line 65 to col. 5, line 31; Figs. 6,7) and

special codes (SC/HC) which can be distinguished from said address codes (AC) specifying control data for controlling a recording by a recording device (See Abstract; col. 4, line 65 to col. 5, line 31; Figs. 6,7) and

which sequence can be obtained by replacing in a sequence of address codes (AC) with consecutive address values a plurality of said address by special codes (SC) (See Figs. 7; Abstract; col. 4, line 65 to col. 5, line 31; col. 6, line 1 to col. 7, line 56), characterized in that, the said sequence comprises a periodic pattern of address codes and special codes which pattern has a predetermined positional relationship with respect to an additional piece of information (See Figs. 6, 7; col. 4, line 65 to col. 5, line 31; col. 6, line 1 to col. 7, line 56).

Regarding claim 12, Roth et al. discloses provided with a lead-in area located at an inner area of the disc comprising said special codes, characterized in that, the additional piece of

information is the start address or end address of the lead-in area (See col. 6, line 1 to col. 7, line 56; i.e. special code for "AVI"/lead-in area; Fig. 6,7).

Regarding claim 13, Roth et al. discloses the periodic pattern comprising special codes separated by a first number of successive address codes (See col. 6, line 1 to col. 7, line 56; Figs. 6,7), characterized in that, the periodic pattern is shifted a predetermined number of address codes with respect to the predetermined reference address which defines position AVI lead-in(AC)(See col. 6, line 1 to col. 7, line 62").

Regarding claim 14, Roth et al. discloses the periodic pattern comprising a first number of distinct special codes separated by a first number of successive address codes, characterized in that, the first number of distinct special codes have a predetermined order (See col. 6, line 1 to col. 7, line 56; Figs. 6,7).

Regarding claim 15, Roth et al. discloses provided with a lead-out area located at an outer area of the disc, characterized, in that the lead-out area comprises additional control information for controlling recording by a recording device, the presence thereof being indicated by the predetermined positional relationship (See Figs. 4,5,6; col. 5, lines 41-67; col. 6, line 1-63).

Regarding claim 16, Roth et al. discloses a device for recording and/or playback a record carrier of the inscribable type (See Fig. 8,9; col. 7, line 63 to col. 10, line 20), the device comprising

reading means for reading the information recorded on the record carrier and recording means for recording the record carrier in accordance with an recording process, the reading means comprising means to read the auxiliary signal recorded on a record carrier, selecting means for selectively selecting extracting the special codes and the address codes from the auxiliary signal (See Fig. 8-ref#82,86,88-97, col. 7, line 63 to col. 10, line 15),

control means for controlling the recording process, characterized in that, the control means are adapted to determine the predetermined positional relationship of the periodic pattern of address codes and special codes and to control the recording process in accordance with said determination (See Figs. 9,8-ref# 94, col. 7, line 63 to col. 10, line 20).

Regarding claim 17, Roth et al. discloses characterized in that, the control means are adapted to read a special area on the record carrier upon detecting a predetermined positional relationship (See col. 10, lines 16-31; Fig. 9).

Regarding claim 18, Roth et al. discloses adapted to cooperate with a record carrier provided with a lead-in zone at an inner part of the record carrier and a lead-out zone at an outer part of the record carrier (See col. 10, lines 16-31; Fig. 9),

characterized in that, the control means are adapted to initially read the special information in the lead-in zone and (See col. 10, lines 32-45; Fig. 9), only upon detection of a predetermined positional relationship, subsequently read the lead-out zone (See col. 11, lines 8-19, the lead-out area is reached upon detection of "AVO special code").

Regarding claim 19, Roth et al. discloses wherein the predetermined positional relationship is defined by a shifting of the special codes (See col. 5, lines 5-16; col. 6, line 1 to col. 7, line 56; Figs. 4-7, special codes (HC) shifted with respect to the address codes).

Regarding claim 20, Roth et al. discloses wherein the predetermined positional relationship is defined by a shifting of the special codes with respect to a lead-in area or lead-out area of the disc (See Figs. 4-7, special code (HC) shifted with respect to the address codes which defines AVI lead-in(AC)).

(10) Response to Argument

Appealed claims 1, 2, 5, 6, 11, 12, and 15

Appellant argues that there is no disclosure or suggestion within Roth et al. for a sequence of address codes and special codes to have a predetermined positional relationship to a predetermined reference address.

The examiner disagrees because, Roth et al. discloses a sequence of address codes (AC) and special codes (HC) to have a predetermined positional relationship to a predetermined reference address (AVI). Roth et al. discloses that the periodic pattern of nine address codes are followed by a special code (HC) as shown in Fig. 7, the start of the lead-in area, which value of address code (AC) for this is (AVI) as predetermined reference address (AVI), has a positional relationship reference point from which said sequence is recorded, by marking the position with a special code (HC) at the radial position of the lead-in area.

Note, that this would be consistent with what the Appellant has specified in FIG. 6 or 8, where the positional relationship of the sequence is in fact said marking of the lead-in area start with a special code and then nine address codes and then a special code and so on pattern.

In the alternative Roth et al. discloses that also the special code (HC) need not to be marking the position (AVI), is also preferred for Roth et al. that the special code (HC) is recorded within the lead-in area including the address codes (AC) that forms said sequence of Fig. 7, because in that case the positions are selected freely.

Note, that this would be consistent with what the Appellant has specified in FIG. 7 and 9, where the positional relationship of the sequence in the lead-in area a special code is recorded at other position.

Therefore, the positional relationship of the periodic pattern is clearly discloses by Roth et al. with respect to reference to address code (AVI) of the lead-in area.

Appealed claims 3, 9, 10, 13, 19 and 20

Appellant argues that there is no disclosure or suggestion within Roth et al. for a periodic pattern being shifted a predetermined number of address codes with respect to the predetermined reference address.

The examiner disagrees because Roth et al. discloses that also the special code (HC) need not to be marking the position (AVI), is also preferred for Roth et al. that the special code (HC) is recorded within the lead-in area including the address codes (AC) that forms said sequence of Fig. 7, because in that case the positions are selected freely, hence any shift position where the special code (HC) and address codes is recorded is selected freely.

Appealed claims 4 and 14

Appellant argues that there is no disclosure or suggestion within Roth et al. of the periodic pattern comprising a first number of distinct special codes separated by a first number of successive address codes, characterized in that, the first number of distinct special codes have a predetermined order.

The examiner disagrees because Roth et al. discloses that that the periodic pattern comprise the distinct special codes (HC) separated by a first number of successive address codes (AC), characterized in that, the first number of distinct special codes have a predetermined order defined by bits combination 20, 21 and 22, as explained in col. 7 and Figures. 6 and 7.

Appealed claims 6 and 16

Appellant argues that there is no disclosure or suggestion within Roth et al. for a sequence of address codes and special codes to have a predetermined positional relationship to a predetermined reference address. The examiner disagrees because the same reasons outlined above in regard to claim 1.

Appellant also argues that Roth et al. does not disclose or suggest control means better adapted to determine the predetermined positional relationship with the periodic pattern of address codes to special codes and control the recording process in accordance thereto.

The examiner disagrees because the device for recording and/or playback a record carrier of Roth et al. as shown and described in Fig. 8, is structurally identical to the Appellant's device for recording and/or playback a record carrier in Fig. 10, and Roth et al. disclose an identical control means.

Appellant is also reminded that a recitation that an element is “better adapted to” perform a function only requires the ability to so perform.

Appealed claims 7, 8, 17 and 18

Appellant argues that that there is no disclosure or suggestion within Roth et al. for the control means are adapted to read a special area on the record carrier upon detecting a predetermined positional relationship. Appellants argue that there is no disclosure or suggestion within Roth et al. that the control means branching upon detecting a predetermined positional relationship.

The examiner disagrees because Roth et al. detect the positional relationship detecting the special code (HC) that contains that address codes (AC) of AVI or AVO, and read a special area that contains the AVI address.

Furthermore, the examiner cannot find in the claim the features upon which applicant relies (i.e., branching upon detecting a predetermined positional relationship).

Also, the device for recording and/or playback a record carrier of Roth et al. as shown and described in Fig. 8, is structurally identical to the Appellant’s device for recording and/or playback a record carrier in Fig. 10, and Roth et al. disclose an identical control means.

(11) Related Proceeding(s) Appendix

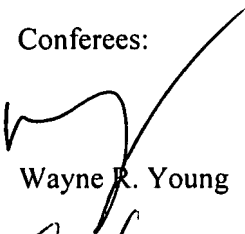
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

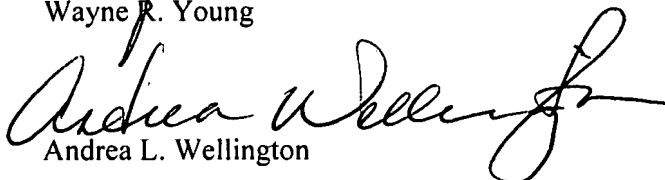
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jorge L. Ortiz-Criado/
Jorge L. Ortiz-Criado
Patent Examiner
Art Unit 2627

Conferees:


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